IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5748 OF 2004

Shri Trimba Appasaheb Awate .... Petitioner
Vs.
The Vishweshwar Co-op. Bank Ltd. & Ors. .... Respondents

Mr. Tejesh Dande for the Petitioner.

Ms. Arti Birje i/b M/s Ketan & Jayakar for Respondent no. 1.

CORAM : R.M. SAVANT, J.
DATE : 13TH JUNE, 2007

P.C.

1) This petition arises out of the proceeding filed by respondent no. 1 under Section 101 of the Maharashtra Co-operative Society's Act, 1960. The petitioner was a guarantor to the loan advanced to respondent no. 5. It is the case of the petitioner that forgery has been committed by the officials of the Bank as well as principal borrower. It is the case of the petitioner that he has not signed on the guarantee forms, but his signatures have been forged.

2) Learned counsel for the petitioner states

that he has instructions that the Award has been satisfied by the principal borrower and the petition in so far as that part of the challenge is concerned has become infructuous. However, Mr. Dande, learned counsel for the petitioner submits that the disposal of the petition on the said ground should not come in the way of petitioner, prosecuting any remedy in respect of the alleged forgery.

3) It is therefore made clear that, in case the petitioner adopts any proceedings in respect of the alleged forgery, the same would be decided by the concerned court on its own merits and in accordance with law.

4) The petition is disposed of, as infructuous.

(R.M. SAVANT, J.)